

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

In re:

Case No. 8:18-bk-02152-RCT
Chapter 13

MICHAEL L. SUMMERS

Debtor.¹

**TRUSTEE'S UNFAVORABLE RECOMMENDATION AND
OBJECTION CONCERNING CONFIRMATION OF THE PLAN**

TO: Clerk, United States Bankruptcy Court

Trustee's Recommendation to the Court. The Trustee cannot recommend confirmation of the Chapter 13 Plan at this time and objects to confirmation based on the following:

1. It does not appear that the Debtor has dedicated all disposable income to the proposed Plan as required by 11 U.S.C. §1325(b)(1)(B). The Debtor's Form 122C-2 shows sufficient monthly disposable income to pay a 100% dividend to the anticipated allowed general unsecured claims in less time than proposed in the Debtor's Plan.

2. According to Schedules I and J, it does not appear that the Debtor has sufficient disposable income to fund the proposed Plan as required by 11 U.S.C. §1325(a)(6). An amended budget must be filed.

3. The Debtor has not listed the following property/value of property on Schedule A/B: Full value of the 1993 Chevrolet truck owned solely by the Debtor.

4. An Amended Plan must be filed because the Plan is unclear as to the treatment of all creditors.

¹ All references to "Debtor" shall include and refer to both of Debtors in a case filed jointly by two individuals.

5. The Plan fails to meet the requirements of 11 U.S.C. Section 1325(a)(6) and Section 1325(b)(1)(B) because the Debtor is proposing to modify their home mortgage, which proposal is speculative in nature. Any attempt to modify the mortgage must be completed prior to confirmation and approved by the Court. A copy of the modification agreement must be provided to the Trustee's office as soon as available. If a loan modification is approved, the Debtor must amend the Plan and budget accordingly.

6. The Trustee reserves the right to request further information or raise further objections prior to or at the confirmation hearing.

I HEREBY CERTIFY that a true and correct copy of the Trustee's Unfavorable Recommendation and Objection Concerning Confirmation of the Plan was furnished electronically and/or by First Class U.S. Mail to MICHAEL L. SUMMERS, 1210 26th Ave So., St. Petersburg, FL 33705; DAVID L. DEL VECCHIO, ESQUIRE, 111 Second Ave NE #1403, St. Petersburg, FL 33701; and the U.S. TRUSTEE, 501 East Polk Street, Suite 1200, Tampa, Florida 33602, on this 6th day of July, 2018.

/s/ William C. Harrison, Esquire
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KR/tem